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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

EMMANUEL PACQUIAO,

No. C 05-03330 CRB

Plaintiff,

ORDER

v.

SYDNEY JAY HALL,

Defendant.

Plaintiff Emmanuel Pacquiao filed this action in the United States District Court for the Northern District of California. Defendant Sydney Jay Hall filed a motion to relate the case before this Court and to remand, or in the alternative, dismiss the action. Pacquiao's lawsuit was reassigned to this Court as a related case, and defendant Hall's motion was therefore vacated.

Plaintiff Pacquiao subsequently notified this Court, by letter dated November 8, 2005, that he does not oppose defendant Hall's request that this case be remanded, and by his letter he requested that the Court remand the action to San Mateo State Court. This action, however, was never filed in state court. Plaintiff does not provide the Court with any support for his request that the Court remand to state court a case that was never filed in state court. See 28 U.S.C. § 1447, 1448 (permitting remand of removed actions); instead, the proper procedure is to dismiss plaintiff's action without prejudice.

1 Accordingly, in light of the parties' submissions, the Court intends to dismiss plaintiff
2 Pacquiao's action without prejudice to his pursuing his claims in state court. Unless plaintiff
3 indicates that it does not want this action dismissed, the Court will enter the dismissal on
4 Wednesday, November 16, 2005.

5 **IT IS SO ORDERED.**

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7 Dated: November 14, 2005

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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE